

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

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New Complaint for New Case

DEPUTY CLERK

Rev. Ryan "Sasha" Gallagher
1723 Candleglow
Castle Rock, Co 80109

8-19CV-1251B

v.

Ole Miss (University of Mississippi)
P.O. Box #1848
University, MS 38677

FDA (Food and Drug Administration) - Scott Gottlieb
10903 New Hampshire Ave
Silver Spring, MD 20993

DEA (Drug Enforcement Administration) - Uttam Dhillon
75 Morrisett Dr
Springfield, VA 22152

US Attorney General
950 Pennsylvania Ave. NW
Washington, DC 20530

Jurisdiction: SBREFA & Sherman Act

I am a refugee from Dallas, Requesting Small Business
National Mobilization Com. to End War in Viet Nam v. Foran, 297 F.Supp 1 (ND Ill 1969)
The Sherman Act - Anti-Trust Law
Washington v. Sessions, 1:17cv05625 (SD NY 2018) - Marijuana
Refugee

Allegations

I reallege all facts in case # 3:18cv00263 (MS ND 2019), see "Report and Recommendation", "Initial Complaint", and "Response to Report and Recommendation".

I ask this court to transfer Docket from 3:18cv00263

I further reallege all facts in Gallagher v. DEA, 1:18cv02505 (Colo Dist 2018)

I was nearly Evicted (Not served) due to the regulatory, Monopolistic, Trust of the DEA and FDA, due to their contract with Ole Miss (Controlled Substances Act)

My brother is Dead, deceased, due to this monopoly and the fact that Hospitals do not have access to a free market, but instead have been restrained to Ole Miss.

Craker v. DEA, 09-1220 (1st Cir 2013) - Growing Marijuana
Normaco v. DEA, 02-1211 (DC Cir 2004) - Anti-Trust

This court is familiar with at least 2 of my cases, which are essentially the

same cases.

Gallagher v. DEA, 3:2017cv 00734

Gallagher v. Dhillon, 3:18cv 02801

I request records from these cases
be transferred to this case.

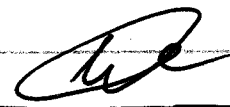
Then there is Gallagher v. FDA, 1:18cv 02154
which I also ask for records from.

This case is distinct in that Religion
is overshadowed by the Anti-Trust aspect.
My Religion is violated, and Stiffed by
the Trust. But the Trust itself is
still the primary focus of this case.

I will Efile Exhibits. This is a SBREFA & RFRA Case.
Sherman Act. RLUIPA

Whereby the Plaintiff prays the Court,

Transfer all requested Documents,
End the Trust, perpetrated by the
AG's office, impose an injunction on
the Trust, Declare Constitutional violations,
Award Punative Damages, Award Actual Damages,
Enforce SBREFA.


Rev. Ryan "Sasha" Gallagher



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

OFFICE OF THE NATIONAL OMBUDSMAN

FEB 28 2019

Reverend Ryan Gallagher
The Shaivite Temple of Colorado
1010 Lakewood Drive
McKinney, TX 75070

Dear Reverend Gallagher:

As indicated in my correspondence dated December 19, 2018, your comment regarding the Drug Enforcement Agency (DEA) Religious Exemption process for the Pharmaceutical Registration was referred to the U.S. Department of Justice for review and a response. I have enclosed a copy of the response with this letter.

If you have any questions or further concerns, please contact Ms. Cynthia Pope, Case Manager, by telephone at (202) 205-2417 or by e-mail at Ombudsman@sba.gov.

Sincerely,

Mina A. Wales
Deputy National Ombudsman

encl.

MAW/cdp

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

REV. RYAN SASHA GALLAGHER

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-CV-263-NBB-DAS

DEA, FDA, OLE MISS and
US ATTORNEY GENERAL

DEFENDANTS

REPORT AND RECOMMENDATION

Presently before the court is the plaintiff's application to proceed *in forma pauperis*. Title 28 U.S.C. § 1915(a) provides, "[A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor." This statute does not provide an absolute right to proceed *in forma pauperis* in federal courts. *Carter v. Thomas*, 527 F. 2d 1332 (5th Cir. 1976). It is a privilege extended to those unable to pay the filing fees when an action is not frivolous or malicious. *Startti v. U.S.A.*, 415 F. 2d 1115 (5th Cir. 1969). The court has discretion to determine whether or not to grant this status, *Carter v. Telectron*, 452 F. Supp. 939 (S.D. Tex. 1976), and the court may monitor a civil action that has been instituted *in forma pauperis* to avoid or minimize abuse of prosecution of such civil suits. *Hawkins v. Elliot*, 385 F. Supp. 354(D. S.C. 1974) and *Mann v. Leeke*, 73 F.R.D. 264(D. S.C.1974).

The undersigned has reviewed the complaint in this action and recommends that the motion to proceed *in forma pauperis* be denied and the action dismissed as frivolous. Having

reviewed this and numerous other filings by this plaintiff in several other federal courts, the undersigned finds this action is a continuation of a pattern of frivolous and/or malicious filings by this plaintiff. Because of this pattern of filings, the undersigned also recommends the imposition of sanctions and filing restrictions, previously levied by the District Court of Colorado, on a reciprocal basis.

Convolved series of events: Marijuana Tax Act, Leary, UN Psychotropics, CSA

THE COMPLAINT

The plaintiff filed this action against the Drug Enforcement Agency, Uttam Dhiullon, its administrator, the Food and Drug Administration, its administrator Dr. Scott Gottlieb, the Attorney General of the United States, and the University of Mississippi, identified in the complaint only as Ole Miss. The plaintiff, in addition to claiming jurisdiction based on suit against the federal government, claims violations of the Sherman Anti-Trust Act. He alleges

that marijuana was legalized by *Leary v. U.S.* 395 U.S. 6 (1969). The case, of course, did not have the impact he alleges. Gallagher also asserts that in 1971, the UN Psychotropics Convention was signed and the Controlled Substances Act went into effect, though he does not explain the relevance of this history to his claims. He argues that the University of Mississippi

has a monopoly, by virtue of an FDA-NIDA (apparently referring to the National Institute on Drug Abuse) contract. He alleges his brother died in 2013 in Colorado and that some unnamed doctor or doctors said the brother could have been saved by cannabinoids, but they were afraid

because of federal law—"So the monopoly killed his brother." He also alleges that the

Mississippi monopoly was converted into a 'trust' in 2016

Gallagher claims he filed an administrative claim in October 2016 referencing federal regulations governing applications to be registered to manufacture marijuana to supply researchers in the United States. He alleges the DEA has been too slow and they have not

*No, I Claimed it ended, at that time
Therefore Religious Marijuana is
Legal now*

responded to his administrative filing. He allegedly contacted the FDA but was told they "don't do religion." He claims to have contacted the DEA to get their religious exemption process, and again states the DEA process is so slow that it caused him to be "almost" evicted, because he was unable to make a living. Gallagher alleges he is a Hindu Shaivite priest and that his religion uses marijuana in rituals, particularly by the priests. He claims he is a refugee from Texas, living in Colorado, though more recent correspondence and filings indicate he is now living in Texas.

After carefully considering the contents of the *pro se* complaint and giving it the liberal construction required by *Haines v. Kerner*, 404 U.S. 519 (1972), the court has concluded that not only does the complaint violate Fed. R. Civ. Pro. 8, but that the action is frivolous. The

allegations are vague, disjointed and fails to provide a short and plain statement of claims against the various defendants. The plaintiff fails to set forth what each defendant has done that caused alleged damages to the plaintiff and/or to show a viable theory for recovery. While the court is aware that the University of Mississippi, at least in the past, produced marijuana for research purposes, that fact does nothing to establish a claim against the university regarding his young brother's unfortunate death or the plaintiff's desire to have access to the drug. In fact, the heart

of the complaint appears to be that the plaintiff is disgruntled because marijuana is not legal and easily accessible to him. He seeks recovery from the other defendants because he thinks he should have the right to produce and use marijuana--either by contract or a RFRA-exemption and is displeased that his efforts to reach that result have been unavailing.

A complaint lacks an arguable basis in law if it is "based on an indisputably meritless legal theory," such as if the defendants are clearly immune from suit or if the complaint alleges the violation of a legal interest that clearly does not exist. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). Here, not only are multiple immunity defenses available to the named defendants, the

No,
all payments
were made.
Evicted
almost
for growing
Religious
Sacrament

No,
Hospitals,
Pls I
grow
Religiously
as a
Ritual
Theory

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

March 7, 2019

RYAN GALLAGHER, Rev. "Sasha,"

Plaintiff-Appellant,

v.

DRUG ENFORCEMENT
ADMINISTRATION; JAMES
ARNOLD; SUSAN A. GIBSON; and
DREW, Agent in Centennial Office,

Defendants-Appellees.

Elisabeth A. Shumaker
Clerk of Court

No. 18-1352
(D.C. No. 1:18-CV-01674-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **BACHARACH, MURPHY, and MORITZ**, Circuit Judges.

This appeal is brought by Rev. Ryan "Sasha" Gallagher, who identifies himself as a Hindu Shaivite. Rev. Gallagher allegedly regards marijuana as a religious sacrament, so he asked the Drug Enforcement

* Oral argument would not materially aid our consideration of the appeal, so we have decided the appeal based on the briefs. *See* Fed. R. App. P. 34(a)(2); Tenth Cir. R. 34.1(G).

This order and judgment does not constitute binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. But the order and judgment may be cited as otherwise appropriate. *See* Fed. R. App. P. 32.1(a) and Tenth Cir. R. 32.1(A).

No the
DEA has yet
to respond to the Petition

Administration for an exemption allowing him to use marijuana. According to Rev. Gallagher, the DEA failed to timely respond but eventually asked for a meeting with him. Rev. Gallagher responded by suing, alleging that the delay violated his constitutional rights and that the DEA's request for a meeting constituted a subterfuge to force him to incriminate himself. The district court dismissed the action, concluding that the allegations in the complaint were frivolous and failed to state a claim on which relief can be granted. See 28 U.S.C. § 1915(e)(2)(B)(i)–(ii). We affirm.

No
Religious
Entanglement
in violation
of 1st and
5th Amendments

On appeal, we apply a two-part standard based on the two different grounds for dismissal. For the dismissal based on frivolousness, we apply the abuse-of-discretion standard. See *Conkle v. Potter*, 352 F.3d 1333, 1335 n.4 (10th Cir. 2003) (“This court reviews frivolousness dismissals for an abuse of discretion.”). For the dismissal involving failure to state a claim on which relief can be granted, we apply de novo review. See *Perkins v. Kan. Dept. of Corrs.*, 165 F.3d 803, 806 (10th Cir. 1999) (holding that we apply de novo review to a dismissal under 28 U.S.C. § 1915 based on failure to state a claim on which relief can be granted).

No,
I claim
they
are not
responding
at all

In the complaint, Rev. Gallagher alleged that the DEA took too long to respond to his request for a religious exemption. The district court pointed out that Rev. Gallagher hadn't identified the drug he wanted to use or how it is used in his religion. Without such basic information, the district court concluded that Rev. Gallagher's claim was frivolous and did

Rule 83(a)(2) the District court erred in forcing me to follow Rule 8, and therefore violated my right to court access

not amount to a constitutional violation. In his appeal brief, Rev. Gallagher

does not say how the district court erred in its analysis of this claim.

Rev. Gallagher also alleged in the complaint that the DEA was trying to force him to incriminate himself. For this allegation, the district court reasoned that Rev. Gallagher had not explained how arrangement of a

meeting would violate his constitutional rights. In his appeal brief, Rev.

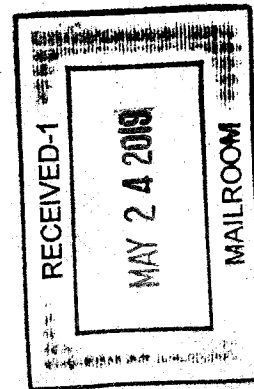
Gallagher again fails to say how the district court erred in its consideration of this claim. HA! This is funny

In his appeal brief, Rev. Gallagher adds allegations involving the "incorporation doctrine" and "bill of attainder." But he did not include these allegations in district court, so they are considered forfeited. *Carney v. Okla. Dep't of Pub. Safety*, 875 F.3d 1347, 1351-52 (10th Cir. 2017).

And even here, Rev. Gallagher fails to explain (1) how his allegations would implicate the so-called "incorporation doctrine" or (2) how he was subjected to a bill of attainder. RFR A DEA Guidelines

For these reasons, the district court did not abuse its discretion in characterizing Rev. Gallagher's claims as frivolous. Nor did the court err in deciding that the complaint failed to state a claim on which relief can be granted.

1723 Cardleglow
Castle Rock, Co 80109

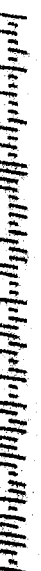


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1100 Commerce St
Dallas, TX 75242

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NEW CASE